

Adversary Case Opening

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately. During the filing of this event (unlike the opening of a Bankruptcy Case), the attorney for the plaintiff must select himself/herself at the attorney selection screen.

- STEP 1** Click the Adversary hyperlink on the CM/ECF main menu bar. (See Figure 1.)

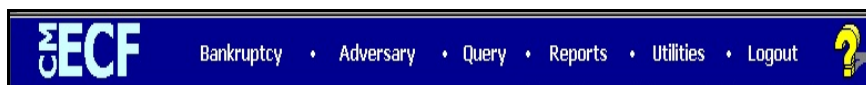


Figure 1

- STEP 2** Click on the Open AP Case hyperlink displayed on the **ADVERSARY EVENTS** screen. (See Figure 2.)

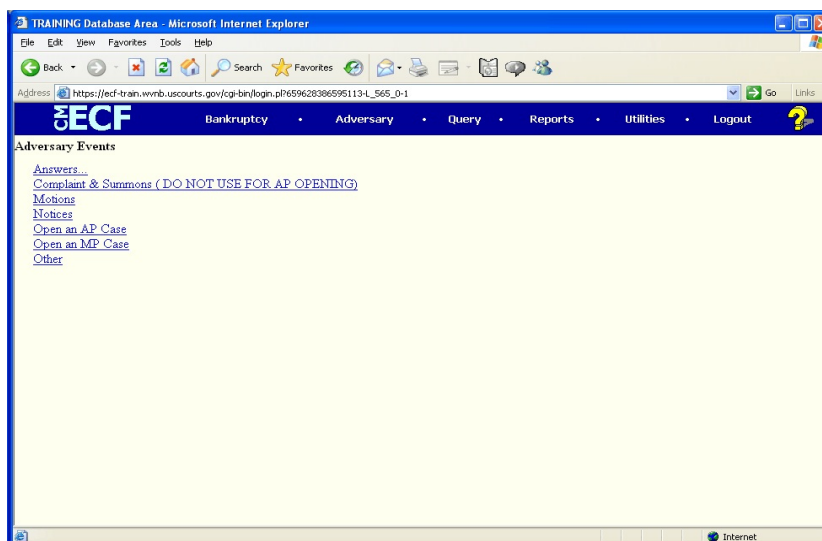
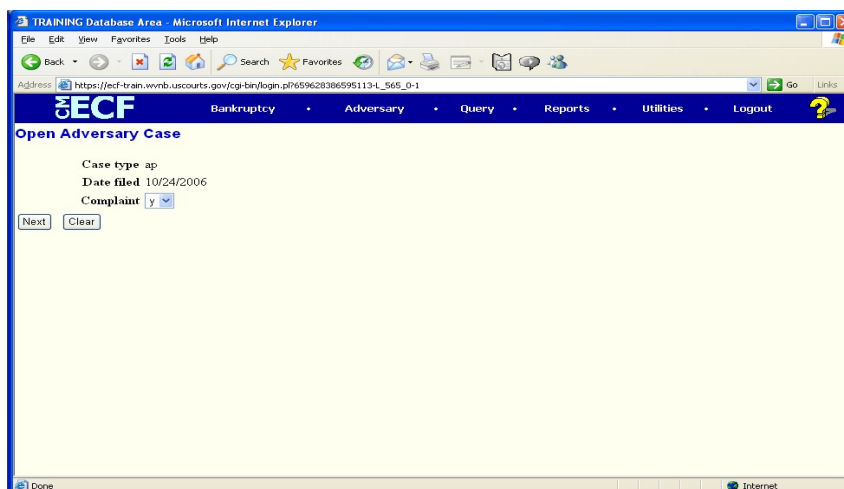


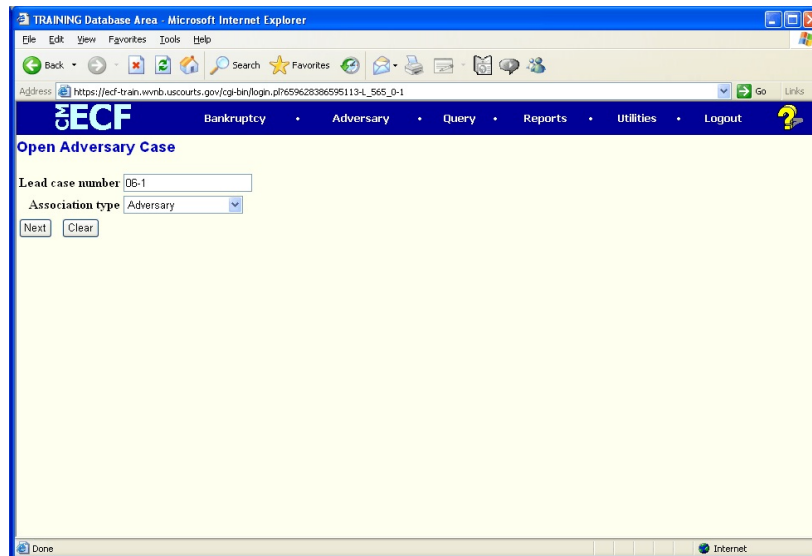
Figure 2

STEP 3 The **CASE DATA** screen displays. (See Figure 3.)The screenshot shows a web browser window titled "TRAINING Database Area - Microsoft Internet Explorer". The address bar shows a URL from the ECF TRAINING database. The page has a blue header with the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main content area is titled "Open Adversary Case" and contains the following information: "Case type: ap", "Date filed: 10/24/2006", and "Complaint: y" with a dropdown arrow. Below this information are two buttons: "Next" and "Clear".**Figure 3**

- ◆ The case number will be generated at the end of this process. Make sure you take note of it on the final screen.
- ◆ The **Case Type** value is **ap** for adversary proceeding. There is no other selection
- ◆ The current date is displayed next to **Date Filed**.
- ◆ The Complaint field signifies the lead event for this proceeding. If you are filing something other than a complaint such as a Notice of Removal, select **(n)** for no.
- ◆ Click **[Next]**.

STEP 4 Enter the **Lead bankruptcy case number**. (See Figure 4.)

- ◆ Select **Association type** Adversary
- ◆ Click **[Next]** to continue



TRAINING Database Area - Microsoft Internet Explorer

Address: https://ecf-train.wvnb.uscourts.gov/cgi-bin/login.pl?6596283865951134_565_0-1

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open Adversary Case

Lead case number: 06-1

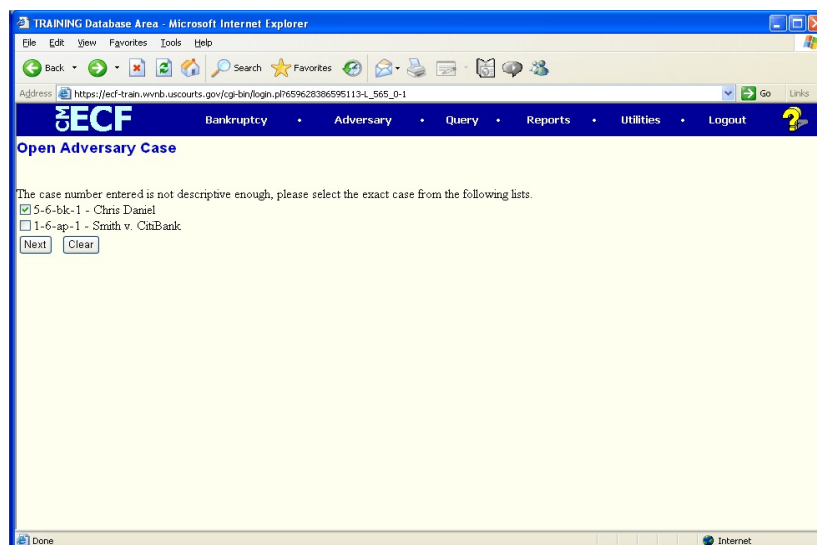
Association type: Adversary

Next Clear

Figure 4

STEP 5 It may be necessary to select the related bankruptcy case. (See Figure 5.)

◆ Click **[Next]** to continue



TRAINING Database Area - Microsoft Internet Explorer

Address: https://ecf-train.wvnb.uscourts.gov/cgi-bin/login.pl?6596283865951134_565_0-1

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open Adversary Case

The case number entered is not descriptive enough, please select the exact case from the following lists.

☒ 5-6-bk-1 - Chris Daniel

☐ 1-6-ap-1 - Smith v. CitiBank

Next Clear

Figure 5

STEP 6 Screen will display **Division** to which case is being assigned based upon the lead bankruptcy case. (See Figure 6.)

- ◆ Click **[Next]** to continue

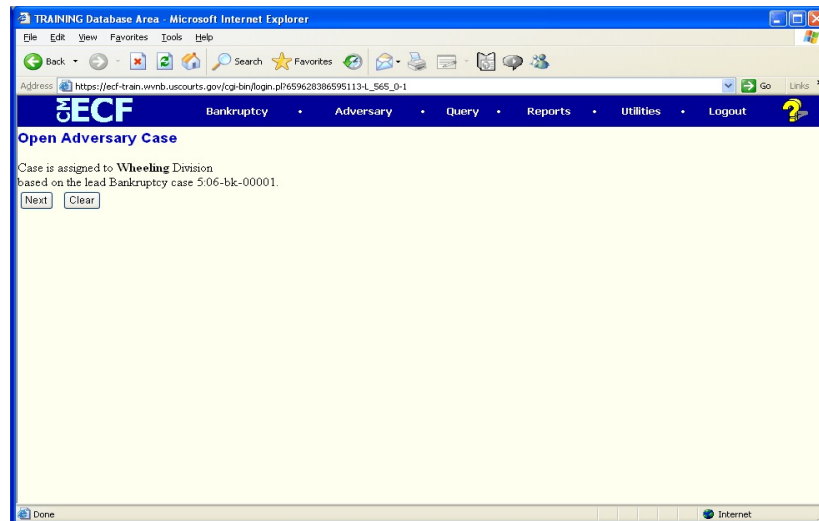


Figure 6

STEP 7 The **PARTY PLAINTIFF SEARCH** screen appears. (See Figure 7.)

- ◆ Before adding a party, it is recommended that one search the database for the party. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name. It is recommended that you add parties to the case in the following order: plaintiffs, defendants, then interested parties as applicable.
- ◆ Enter the last name of the party to be searched. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name** field. The field size is 200 characters

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Include punctuation. (O'Brien, Zeta-Jones)
- Try alternate search clues if your first search is not successful.
- Partial names (minimum of two characters) can be entered.
- Wild cards (*) are not required at the end of search strings.
- Wild cards may be used before or within search strings. (*son, Gr?y)
- Do not search only by the asterisk * itself.

- ◆ Enter the plaintiff's last/business name and click **[Search]**.

NOTE: Do not use the asterisk * by itself as search criteria. If just the asterisk is used, the entire database will be searched and require unnecessary systems resources and may degrade response time.

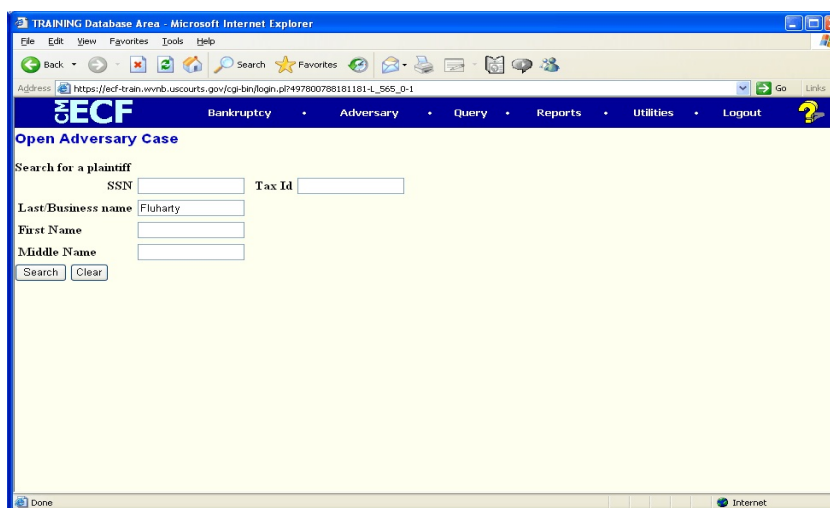


Figure 7

STEP 8 The **SEARCH RESULTS** screen appears. (See Figure 8a.)

TRAINING Database Area - Microsoft Internet Explorer

Address: https://ecf-train.wvnb.uscourts.gov/cgi-bin/login.pl?497800788181181-4_565_0-1

Bankruptcy + Adversary + Query + Reports + Utilities + Logout

Search for a plaintiff

SSN: Tax Id:

Last/Business name:

First Name:

Middle Name:

Search Clear

Party search results

- Fluharty, Debbie
- Fluharty, Linda
- Fluharty, Thomas H
- Fluharty5, Thomas

Select name from list Create new party

Figure 8a

NOTE: If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **[Select Name From List]** button. (See Figure 8b.) Then proceed to Step 9.

TRAINING Database Area - Microsoft Internet Explorer

Address: https://ecf-train.wvnb.uscourts.gov/cgi-bin/login.pl?497800788181181-4_565_0-1

Bankruptcy + Adversary + Query + Reports + Utilities + Logout

Search for a plaintiff

SSN: Tax Id:

Last/Business name:

First Name:

Middle Name:

Search Clear

Party search results

- Fluharty, Debbie
- Fluharty, Linda
- Fluharty, Thomas H
- Fluharty5, Thomas

Select name from list Create new party

Figure 8b

OR

- ◆ If the system **does not** find the party with the search criteria entered, it will display a message **No person found.** (See Figure 8c.)

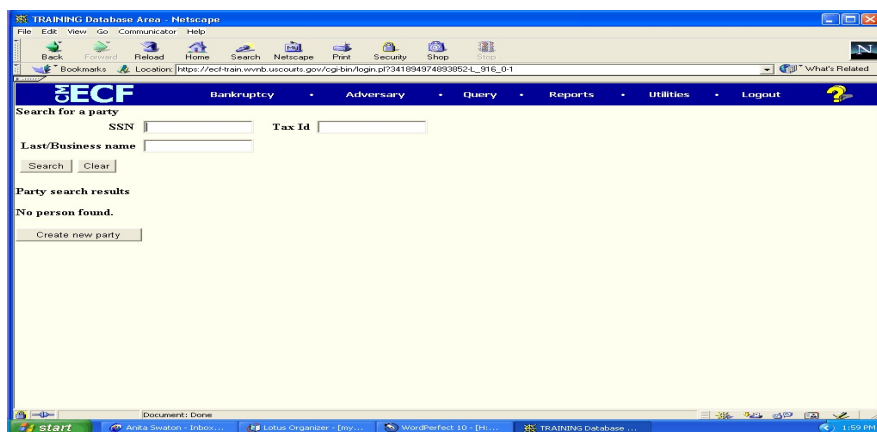


Figure 8c

- ◆ Click **Create New Party** to add party to the case.

STEP 9 The **PARTY INFORMATION** screen appears. (See Figure 9.)

A screenshot of a Microsoft Internet Explorer browser window titled "TRAINING Database Area - Microsoft Internet Explorer". The address bar shows a URL from ecf-train.wvmb.uscourts.gov. The page has a blue header with the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the header, the section "Plaintiff Information" is displayed. It includes a form for "Thomas H Fluharty" with SSN: 000-00-8821. The form has fields for Office, Address 1, Address 2, Address 3, City (Clarksburg), State (WV), Zip (26301), County (Harrison), Country, Phone, Fax, and E-mail. Below these fields is a "Party text" field. At the bottom, there is a "Role in Bankruptcy Case" dropdown menu and buttons for "Attorney...", "Alias...", "Corporate parent...", and "Review...". A note says "Add all attorneys, aliases and corporate parents before clicking the Submit button." There are also "Submit", "Cancel", and "Clear" buttons. The status bar at the bottom shows "Done" and "Internet".

Figure 9

NOTE: If you have selected a party from the party list, you will not be able to change the social security number/tax id number field; however, you will be able to modify other field information.

- ◆ Enter or verify the plaintiff's **Name** and **Tax ID** or **SSN** information.
- ◆ Enter or verify/modify address and county information.
- ◆ The **Party Text** field is used for further party description, such as A California Corporation or Executor for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.
- ◆ Select the **Role in Bankruptcy Case**: Creditor, Debtor, Other/Not Applicable, Trustee, U.S. Trustee/Bankruptcy Administrator
- ◆ Select the **[Attorney]** button. (See Figure 6.)

STEP 10 For adversary openings **ONLY**, you will need to add yourself as the attorney representing the plaintiff(s).

- ◆ Your attorney record already exists on the court's database in an attorney roll that is maintained by court staff.

The **ATTORNEY SEARCH** screen allows you to retrieve your attorney record by Last Name (or partial Last Name.) (See Figure 10.)

- ◆ Enter your last name
- ◆ Click on **[Search]**.

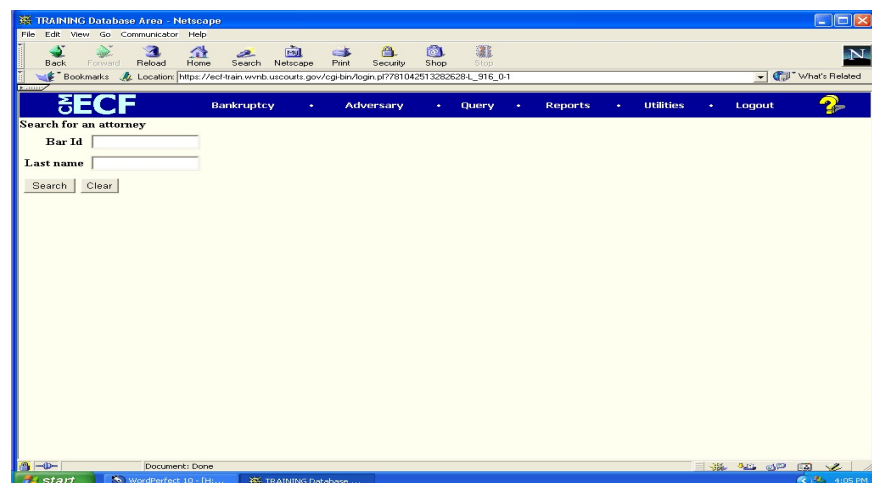


Figure 10

- STEP 11** The **ATTORNEY SEARCH RESULTS** screen will display all the matches for the search clue you entered. (See Figure 11.)

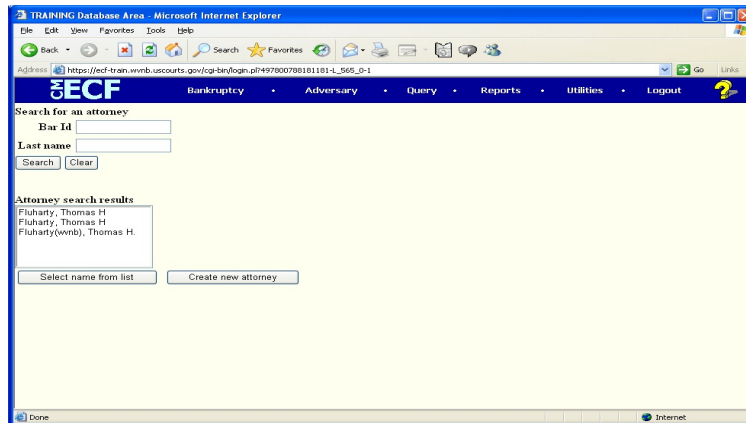


Figure 11

- ◆ Click to highlight the attorney name
- ◆ Click [**Select name from list**] to continue and add yourself as the attorney for the party

NOTE: If you are representing multiple parties, you will need to add yourself as the attorney for each plaintiff-party you are representing.

- STEP 12** The **ATTORNEY INFORMATION** screen displays the master attorney record from the court attorney roll. (See Figure 12a.)

Figure 12a

- ◆ Your attorney record can accommodate only one address. If the address for this case is different, make the changes to this screen. This will change professional and mailing information **FOR THIS CASE ONLY**.
- ◆ After verifying this information, click **[Add Attorney]** to associate this record with your plaintiff.
- ◆ The main **PARTY INFORMATION** screen again appears. (See **Figure 12b**.) At this time you could click on the **[Review]** button to verify attorney and alias information for this party. **Figure 12c** shows how this information is displayed.

TRAINING Database Area - Microsoft Internet Explorer

Address: https://ecf-train.wvmb.uscourts.gov/cgi-bin/login.pl?497800788181181-4_565_0-1

ECF Bankruptcy Adversary Query Reports Utilities Logout

Plaintiff Information

Thomas H Fluharty SSN: 000-00-0000

Office: [Text Box] Address 1: 408 Lee Avenue

Address 2: [Text Box] Address 3: [Text Box]

City: Clarksburg State: WV Zip: 26301

County: Harrison Country: [Text Box]

Phone: [Text Box] Fax: [Text Box]

E-mail: [Text Box]

Party text: [Text Box]

Role in Bankruptcy Case: Trustee

Attorney... Alias... Corporate parent... Review...

Submit Cancel Clear

Add all attorneys, aliases and corporate parents before clicking the Submit button.

Figure 12b

TRAINING Database Area - Microsoft Internet Explorer

Address: https://ecf-train.wvmb.uscourts.gov/cgi-bin/login.pl?497800788181181-4_565_0-1

ECF Bankruptcy Adversary Query Reports Utilities Logout

Review attorneys, aliases and corporate parents

Thomas H Fluharty

Uncheck to remove from list

Attorneys added:

☒ Fluharty, Thomas H
408 Lee Avenue
Clarksburg, WV 26301

Aliases added:

None added.

Corporate parents added:

None added.

Return to Party screen Clear

Figure 12c

- ◆ Click on **[Return to Party screen]**.
- ◆ When the Party Information screen appears again, click **[Submit]**

STEP 13 The **PARTY PLAINTIFF SEARCH** screen will appear again
Repeat Steps 7-12 until all Plaintiffs have been added to the system. (See Figure 13.)

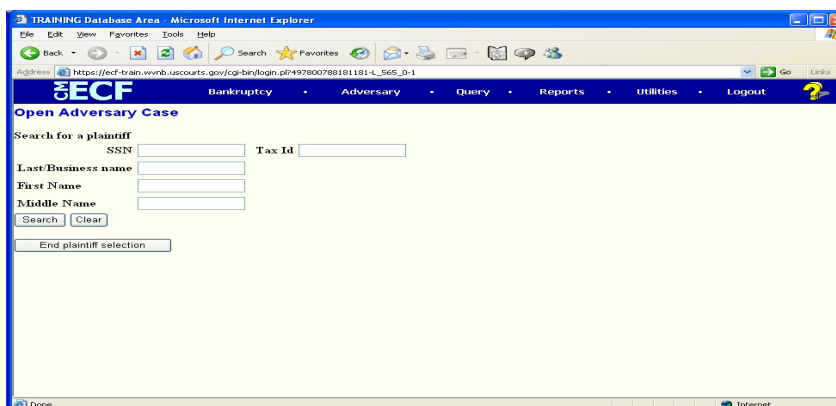
The screenshot shows a web browser window titled "TRAINING Database Area - Microsoft Internet Explorer". The address bar shows a URL from the US Courts website. The page has a blue header with the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main content area is titled "Open Adversary Case" and contains a "Search for a plaintiff" section. This section includes input fields for "SSN", "Tax Id", "Last/Business name", "First Name", and "Middle Name". Below these fields are "Search" and "Clear" buttons, and an "End plaintiff selection" button at the bottom.

Figure 13

- ◆ Select **End plaintiff selection** when all Plaintiffs have been added.

STEP 14 The **DEFENDANT PARTY SEARCH** screen appears. (See Figure 14a.)

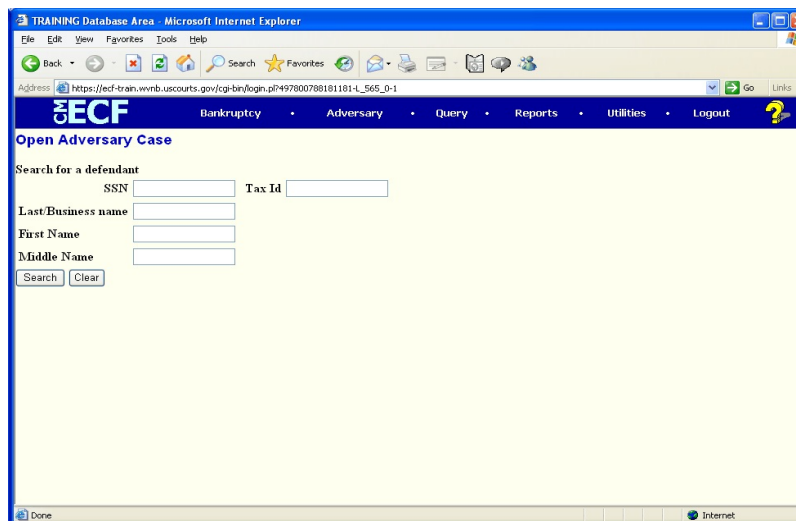
The screenshot shows the same web browser window as Figure 13, but the main content area is titled "Open Adversary Case" and contains a "Search for a defendant" section. This section includes input fields for "SSN", "Tax Id", "Last/Business name", "First Name", and "Middle Name". Below these fields are "Search" and "Clear" buttons.

Figure 14a

- ◆ Repeat Steps 7-9 until all Defendants have been added to the system.
- ◆ When adding a Defendant, do **not** associate an attorney for the Defendant. The attorney for a Defendant will be added to the case upon the filing of an answer.
- ◆ Select the appropriate **Role in Bankruptcy Case** for each Defendant you are adding.
- ◆ Select **[Submit]** upon entering each Defendant.
- ◆ When all parties have been entered, click on **[End Party Selection]**. (See Figure 14b.)

The screenshot shows a web browser window titled "TRAINING Database Area - Microsoft Internet Explorer". The address bar shows a URL from the US Courts system. The page header includes the ECF logo and navigation tabs: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main heading is "Open Adversary Case". Below this is a search form for a defendant with fields for SSN, Tax Id, Last/Business name, First Name, and Middle Name. There are "Search" and "Clear" buttons, and an "End defendant selection" button at the bottom.

Figure 14b

STEP 15

The **Nature of Suit** screen displays. (See Figure 15a.)

The screenshot shows the "Nature of Suit" screen in the ECF system. It features several dropdown menus and input fields. On the left, there are fields for "Party code" (set to "3 U.S. not a Party"), "Rule 23 (class action)" (set to "n"), "Jury demand" (set to "None"), "Demand (\$000)" (empty), and "State Law" (set to "n"). On the right, there are five "nature of suit" dropdown menus, all currently set to "none". At the bottom, there are "Next" and "Clear" buttons.

Figure 15a

- ◆ Unless the US is a plaintiff or defendant in your case, accept the default **US not a Party** as shown in **Figure 15b**.

Figure 15b

- ◆ Click the down arrow to reveal the list of **Rule 23 (Class Action)** options. The default is **n** for no. Change the default to **y** only if this is a Class Action suit.
 - ◆ Click the down arrow to reveal the list of **Jury Demand** options. Those options are *Both*, *Defendant*, *None*, or *Plaintiff*. The default in the **Jury Demand** box is **n** (None). If you are requesting a jury trial in your attached complaint, so indicate in this field.
 - ◆ **Demand:** If there is a dollar demand in the complaint, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is \$4550, \$5,000, or \$5499, you would enter 5 for \$5000, leaving off the 000. Do not use dollar signs or commas.
 - ◆ Click the down arrow to reveal the list of **State law** options. Those options are *No*, *Unknown* or *Yes*. The default is **n** for no. Change the default to **y** only if this case involves a substantive issue of state law.
 - ◆ Click the down arrow to reveal the list of **Primary Nature of Suit** options. Click to highlight the primary nature of suit that applies to the instant case. (**See Figure 15c.**)
- NOTE:** You are able to select up to 5 causes of action.
- ◆ Click **[Next]** to continue.

Figure 15c

STEP 16

The **PDF DOCUMENT SELECTION** screen displays. (See Figure 16a.)

Figure 16a

- ◆ To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
 - Click **[Browse]**. In the **File Upload** screen change **Files of type:** to **All files(*.*)** then navigate to the directory where the appropriate PDF file is located and select it with your mouse.
 - To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select **Open**.
 - This will launch the Adobe Acrobat Reader to display the contents of the imaged document. Verify that the document is correct.
 - Close or minimize the Adobe application and if that is the correct file, click **[Open]** on the File Upload dialogue box.
 - ◆ The **PDF DOCUMENT SELECTION** screen appears with the path and PDF document in the **Filename** box. (See Figure 16a.)
 - ◆ The **Attachments to Document** option defaults to **No**. If you have attachments to this document, click the **Yes** radio button to indicate there are attachments. (Refer to module: *Attachments to Documents* for more information.)
 - ◆ Click **[Next]** to continue.
- STEP 17** The **FILING FEE** screen will display prompts for fee and receipt information. (See Figure 17.)
- ◆ You will not know what the **Receipt #** is. Leave the receipt number blank if paying by Credit Card. If no fee is required, enter **N/A**.
 - ◆ The Fee Amount defaults to the amount of the complaint filing fee, \$250.00.
 - ◆ Click **[Next]** to continue.

TRAINING Database Area - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Print Mail Chat

Address https://ecf-train.wvnb.uscourts.gov/cgi-bin/login.pl?497800788181181-4_565_0-1 Go Links

ECF Bankruptcy Adversary Query Reports Utilities Logout ?

Open Adversary Case

Do not enter a receipt number below if you will be paying via the Internet!

Please Enter: Leave Receipt Number blank if paying by Credit Card or N/A if you are Fee Exempt or 0 for Other Payment. (Prior Approval Required)

Receipt # Fee: \$250

Next Clear

Done Internet

Figure 17

STEP 18 The **Docket Text: Modify as Appropriate** screen displays. (See Figure 18a.)

TRAINING Database Area - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Print Mail Chat

Address https://ecf-train.wvnb.uscourts.gov/cgi-bin/login.pl?497800788181181-4_565_0-1 Go Links

ECF Bankruptcy Adversary Query Reports Utilities Logout ?

Open Adversary Case

Docket Text: Modify as Appropriate.

Complaint by Thomas H Fluharty against General Motors Acceptance Corporation . Fee Amount \$250 . Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) (WVNB, Attorney10)

Next Clear

Done Internet

Figure 18a

- ◆ Click the down arrow to display the prefix options. Select a descriptive prefix, if it is appropriate. (See Figure 18b.)

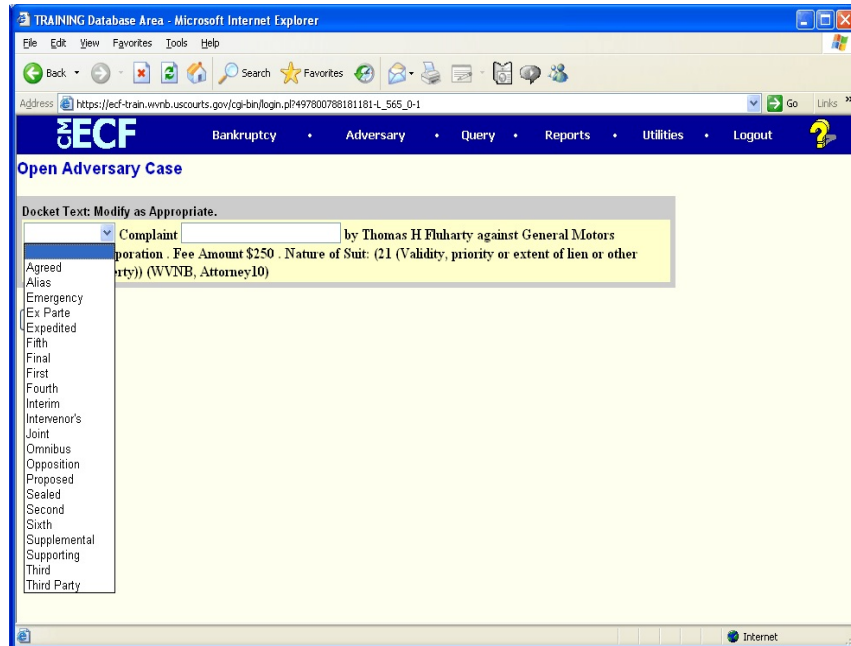


Figure 18b

- ◆ If necessary, add detail to the final text in the white text box. This information will be displayed in italics on the case docket.
- ◆ Click **[Next]**.

STEP 19 The **FINAL DOCKET TEXT** screen displays. (See Figure 19.)

- ◆ Proof this screen carefully! No further editing in the adversary case opening process is allowed after this screen. If Docket Text is correct, click **[Next]**.
- ◆ If any part of it is incorrect, click the browser **[Back]** button to return to the screen you need to correct. Then process the screens again with the respective **[Next]** or **[Submit]** buttons.

NOTE: When an adversary case is opened, the complaint information is spread over to the main bankruptcy case. (The case number does not appear in the docket text.)

When the judgment is rendered, the ruling will also spread over to the main bankruptcy case.

NOTE: To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hyperlink on the **Menu Bar**.

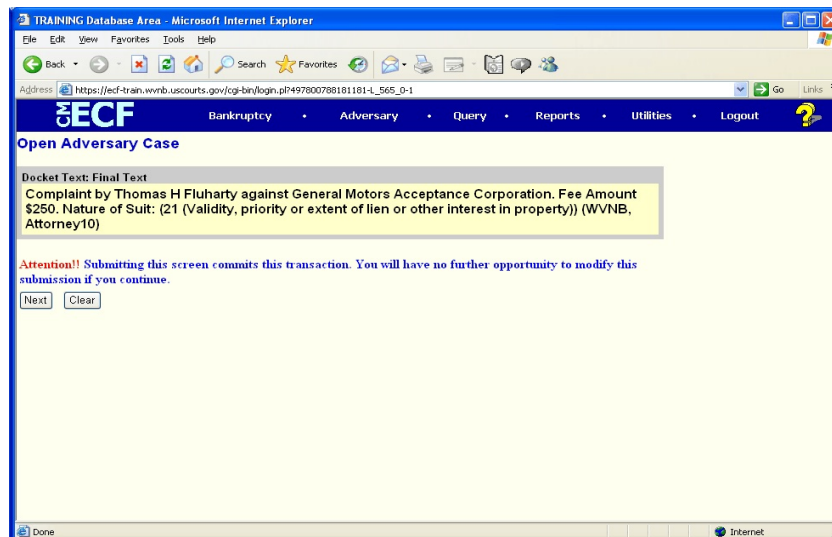


Figure 19

STEP 20 The **NOTICE OF ELECTRONIC FILING** screen appears.

- ◆ The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document. **(See Figure 20.)**
- ◆ The case number is a hyperlink to the docket sheet and the document number is a hyperlink to the PDF document image. **The case number of both this adversary and the lead bankruptcy case appear.** This indicates that this complaint entry has spread to the bankruptcy case and will be available to anyone reviewing the Bankruptcy Docket report. The hyperlink to the imaged PDF complaint is also accessible from the bankruptcy case.
- ◆ To print a copy of this notice, click the browser **[Print]** icon.
- ◆ To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.

- ◆ Further access to the **Notice of Electronic Filing** is available through the electronic docket report. When this option is selected, a bullet appears next to the document number of the event on the docket report. Clicking on this bullet will display a copy of this notice.
- ◆ When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the top:

*****NOTE TO PUBLIC ACCESS USERS*****

You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

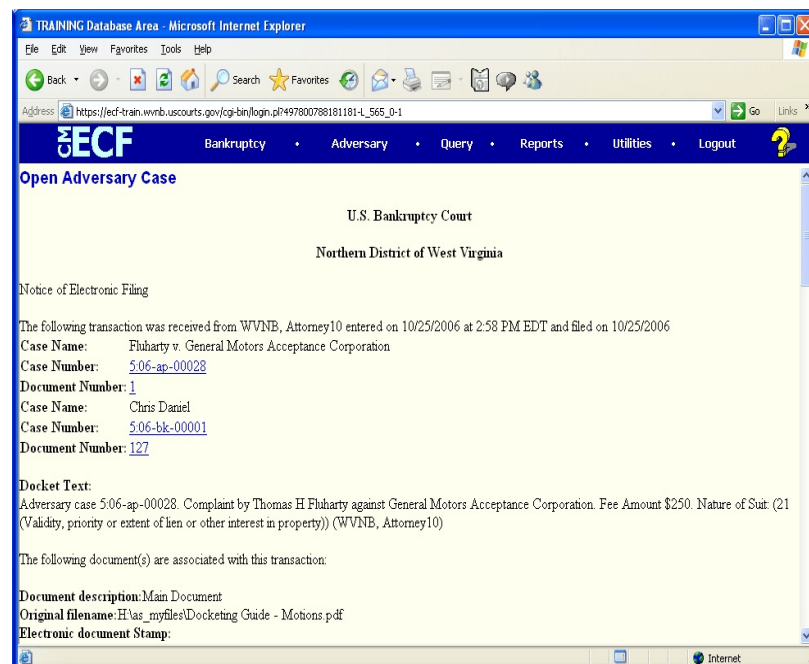


Figure 20